

United States District Court  
DISTRICT OF MONTANA

**FILED**  
MAR 16 2021  
Clerk, U.S. District Court  
District Of Montana  
Missoula

UNITED STATES OF AMERICA  
V.

**ORDER SETTING  
CONDITIONS OF RELEASE**

Andrew Michael Cavanaugh

Case No.: MJ 21-38-M-KLD

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) Defendant must not commit any offense in violation of federal, state, local or tribal law while on release in this case.
- (2) Defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C § 14135a
- (3) Defendant must advise the court or the pretrial services officer in writing before making any change of residence or telephone number.
- (4) Defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must next appear at

\_\_\_\_\_  
PLACE

on

\_\_\_\_\_  
DATE AND TIME

- (5) Defendant must sign an Appearance Bond, if ordered.

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### Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- (1) [a] Defendant must submit to **supervision** by, and report to, the Pretrial Services Officer, no later than immediately following today's court proceedings and thereafter at such times and in such manner as designated by the Officer.
- (2) [d] Defendant must surrender to the Pretrial Services Officer any **passport and/or passport card** or other international travel document.
- (3) [e] Defendant must not obtain a **passport, passport card**, or other international travel document.
- (4) [f] Except upon prior approval by the Pretrial Services Officer, the Defendant's **travel** is restricted to the District of Montana and to Washington DC for court purposes only.
- (5) [g] Defendant shall not have contact with or harass, threaten, intimidate, tamper with, improperly influence, or injure the person or property of **witnesses, coconspirators, jurors, informants, victims** of crime, judicial officers, or other persons related to official proceedings before the Court, in violation of 18 U.S.C. § 1503, 1512, and 1513.
- (6) [k] Defendant must not possess a **firearm**, destructive device, or other weapon; *except on business premises for lawful purposes. ASW*
- (7) [l] Defendant must not (X) use **alcohol** or () not use **alcohol** to excess.
- (8) [m] Defendant must not use or unlawfully possess a narcotic drug or other **controlled substances** defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- (9) [n] Defendant must submit to substance abuse **testing** to include not more than 180 urinalysis tests, not more than 180 breathalyzer tests, and not more than 36 sweat patch applications annually if required by the Pretrial Services Officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and any form of prohibited substance screening or testing. Defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing. Defendant shall pay all costs associated with the program, unless the Pretrial Services Officer determines Defendant is financially unable to pay.
- (10) [o] Defendant must participate in a program of inpatient or outpatient **substance abuse and mental health evaluation**, therapy and counseling if directed by the Pretrial Services Officer.
- (11) Defendant must maintain contact with their attorney.
- (12) Defendant must adhere to and comply with all federal, state, and local laws, orders, rules, and the like regarding social distancing and self-isolation and any protocols regarding COVID-19 including, but not limited to, Montana's Reopening Plan and the orders of the Court.

**Advice of Penalties and Sanctions**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence will be in addition to any other sentence.

Federal law makes it a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.


If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you will be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender must be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

  
\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
City and State

**Directions to the United States Marshal**

- (☒) The defendant is ORDERED released after processing.
- ( ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant must be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 3/16/21 \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Judicial Officer  
Kathleen L. DeSoto, U.S. Magistrate  
Judge